## BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

STEVEN L. CALHOUN, SR. Claimant	)
VS.	) Docket No. 206,355
LABOR READY Respondent	) Docket No. 200,333
AND	
CRAWFORD & CO. Insurance Carrier	}

## **ORDER**

Claimant appeals from a preliminary hearing Order entered May 14, 1996 wherein Administrative Law Judge John D. Clark denied claimant benefits. This matter was originally noticed for hearing on May 7, 1996, at which time the Court advised claimant the respondent's counsel had just received the file and was not available on that date. The matter was rescheduled for hearing on May 14, 1996, at which time claimant failed to appear. As a result of claimant's failure to appear Administrative Law Judge John D. Clark denied claimant benefits on a default basis. Claimant claims he was not given notice of this hearing. The record contains no written notice of the May 14, 1996 hearing and no record was made on May 7, 1996 to indicate the announcement of the continuation of the hearing. Neither claimant nor respondent placed any evidence into the record at the May 14, 1996 hearing.

With no evidence placed into the record at the May 14, 1996 hearing, there is nothing for the Appeals Board to review or rule upon at this time. K.S.A. 44-534a, as amended by S.B. 649 (1996), places few limits upon the number of preliminary hearings which may be requested. As such, no prejudice has come to the claimant in this matter from the apparent miscommunication above noted.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the decision by Administrative Law Judge John D. Clark dated May 14, 1996, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this \_\_\_\_ day of July 1996.

BOARD MEMBER

c: Steven L. Calhoun, Sr., Pro Se Scott Gyllenborg, Olathe, KS John D. Clark, Administrative Law Judge Philip S. Harness, Director